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May 22, 2008

Sent Via E-Mail – njdnef hayden@njd.uscourts.gov
and Ordinary U.S. Mail

Honorable Katharine Hayden
United States District Court Judge
United States District Court
Frank R. Lautenberg
U.S. P.O. Courthouse Building
Room 311, P.O. Box 999
Newark, New Jersey 07101-0999

See next page.

Re: United States v. David Grober
Criminal No.: 06-00880-001

Dear Judge Hayden:

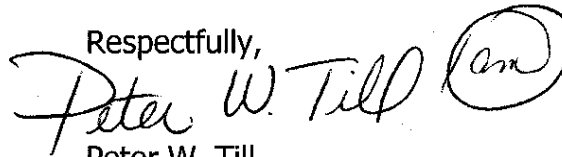
We are writing per directive of the Court for counsel to advise as to presentation of "expert" testimony in response to the Court's extensive inquiry on May 12, 2008.

The delay in response has been the result of efforts to "pin-down" scheduling with regard to Professor Douglas Berman. Naturally Professor Berman wishes to participate, but also wants to be prepared to the fullest. Accordingly, we ordered the May 12, 2008 Transcript of Proceedings which Mr. Florio was kind enough to get to us late last evening. We are forwarding same to Professor Berman this morning. An answer should be momentary addressing Professor Berman's academic calendar, while also factoring in the need for time for preparation to the Court, and particularly the Court's specific inquiry of May 12, 2008.

Judge Hayden
May 22, 2008
Re: USA v. David Grober
Criminal No.: 06-00880-001

We are fully cognizant of the June 9, 2008 date set by the Court and in light of the above are able to suggest that the June 9, 2008 scheduling cannot be realistically met. Preliminarily, we have now confirmed that all of the mental health professionals are available on Tuesday, June 24, 2008. If the Court wished to proceed then, subject certainly to its own availability, with Professor Berman on Monday, June 23, 2008 that would be workable, to thereafter be followed by character witnesses and counsel argument.

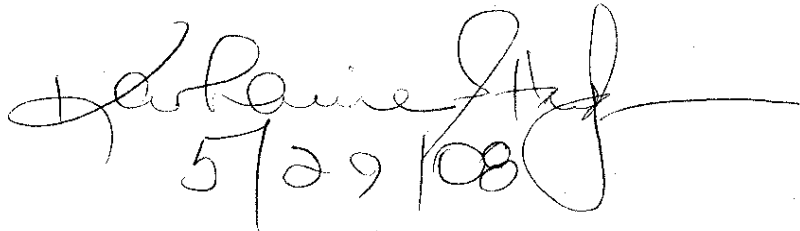
We have not conferred with Ms. Chen with respect to this proposal for scheduling, but have instead offered same up to the Court for initial consideration.

Respectfully,

Peter W. Till

PWT/amm

cc: Shana Chen, A.U.S.A.

Request for rescheduling
GRANTED, Hearing rescheduled
to Tuesday, 7/15/08 &
Wednesday, 7/16/08 at 10:00am.


5/29/08